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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2380/2020**

NARESH BHARDWAJ

..... Petitioner

Through: Mr.Satyawan Kudalwal, Advocate

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Kamal Kumar Ghei, APP for State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **16.09.2020**

(Hearing through Video Conferencing)

The status report in terms of the order dated 28.8.2020 has been submitted by the State as received through e-mail. The printout thereof be placed on the record by the Registry.

The allegations in the instant case relate to alleged assault by the applicant on the husband of the complainant as well as on the complainant with a stick which is stated to be pursuant to an altercation between the complainant's husband and the applicant.

As per the statement under Section 164 of the Cr.P.C. of the complainant there were allegations in relation to an alleged commission of offence punishable under section 354 of the Indian Penal Code, 1860, with it having been stated to the statement under Section 164 of the Cr.P.C. that even the clothes of the complainant had been torn by the applicant. During the course of submissions that had been made on 28.8.2020 on behalf of the applicant it was submitted that the DVR and the CCTV footage of the alleged spot of

the occurrence would make it clear that no such incident as alleged by the complainant has taken place. It was also submitted that the said DVR had been handed over to the Investigating Officer which aspect is not refuted on behalf of the State. The verification report thus in relation to the contents of the CCTV footage of the date of the alleged occurrence were directed to be put forth by the State.

Pursuant to the directions dated 28.8.2020 a status report has been submitted by the State dated 15.9.2020 under the signatures of the SHO Police Station Aman Vihar which status report relates to a conversation between the complainant and the applicant and thereafter one of the sons of applicant went inside the house and came back with a stick and hit the husband of the complainant multiple times and the stick was taken by the applicant who also hit on the head of the complainant as well as the husband of the complainant and that there was a quarrel and at 5:50 p.m. the complainant and her husband outside the shop and the two sons of the applicant, also seen outside quarreling with the complainant and her husband. A PCR Van came to the spot and took the complainant into hospital. The said status report however states that there were no torn clothes seen in the CCTV footage provided by the accused but that the torn cloth was seized by the police which was provided by the complainant and she also stated that the said cloth had been torn by the applicant.

Without any observations on the merits or demerits of the trial that may take place, taking into account the factum that the CCTV footage that has been verified by the State of the spot of the

occurrence does not indicate any tearing of clothes, though, a torn cloth is stated to have been brought by the complainant, though the CCTV footage and the DVR are stated to be provided by the applicant, presently it is considered appropriate that presently, in as much as the injured has already been discharged with simple injuries sustained with no previous antecedents against the applicant, the applicant in the event of arrest is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned Trial Court with the directions that he:

- shall not leave the city;
- shall join the investigation as and when required by the Investigating Officer;
- shall keep his mobile phone on at all times and drop a pin on the Google map to ensure that his location is available to the Investigating Officer;
- shall not make any contact with the complainant and;
- shall commit no offence whatsoever.

The application is disposed of.

ANU MALHOTRA, J

SEPTEMBER 16, 2020/SV